

REMARKS**I. General**

Claims 1-5, 7-14, 16-18, and 20-22 are pending in the current application. Claims 1, 4, 7, and 13 have been amended. Claim 1 is amended to recite, in part, "receiving by said reporting application actual data from said system." Claim 4 is re-written in independent form to include all limitations of claim 1 (as claim 1 stood before this amendment) from which it depended. This amendment does not narrow claim 4 in any way, but instead presents it in independent form. Similarly, claim 7 is re-written in independent form to include all limitations of claims 6 and 1 (as claim 1 stood before this amendment) from which it depended. This amendment does not narrow claim 7 in any way, but instead presents it in independent form. As the limitations of claim 6 have been included in re-written claim 7, claim 6 is deleted without prejudice herein. Claim 13 is amended herein to recite "computer executable software code for querying said system as specified by said request" (added word shown underlined). The word "software" is added in this element solely for clarity and consistency with the other elements of claim 13, which recite "computer executable software code," and this amendment is not intended to narrow the scope of claim 13.

In light of the withdrawal of the finality of the Office Action mailed September 29, 2003, Applicant respectfully requests entry of the amendments presented herein. No new matter is added by the above amendments.

Applicants respectfully request reconsideration and withdrawal of the outstanding rejections in light of the amendments and remarks contained herein.

II. Response to Claim Rejections

Applicants respectfully submit that the claims of the present application are allowable over the applied references of record, as described more fully below.

1. Claim Rejections Under 35 U.S.C. § 103(a) over Miyachi

Claims 1-4, 8-10, 13, and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* (U.S. patent number 6,108,492). In view of the amendments and comments below, Applicants respectfully request withdrawal of this rejection.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic

criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding any other criteria, Applicants respectfully assert that the rejection does not satisfy the third criterion, as discussed further below.

***Miyachi* Fails to Teach or Suggest All Claim Limitations**

Applicants respectfully submit that *Miyachi* fails to teach or suggest all the limitations of independent claims 1, 13, and 18.

Amended claim 1 recites in part “receiving by said reporting application actual data from said system”. Applicants respectfully submit that *Miyachi* fails to teach or suggest at least the above element of independent claim 1. *Miyachi* does not teach receiving by said reporting application actual data from said system. Rather, *Miyachi* teaches receiving derived data. *See* Col. 10, lines 29-33 and 44-50. Accordingly, *Miyachi* does not teach each and every element of claim 1. Therefore, claim 1 is not obvious over *Miyachi*.

Claim 13 recites in part “computer executable software code for querying said system as specified by said request”. Applicants respectfully submit that *Miyachi* fails to teach or suggest at least the above element of independent claim 13. That is, *Miyachi* does not teach computer executable software code for querying said system as specified by said request. *Miyachi* states that after “the Host’s processor 230 has generated a signal to the MFP’s processor 235 to request the current status information (step 440), the Host’s processor 230 uses this status information to update the Host’s MFP status database stored in the data storage device 240 (step 445).” Col. 10, lines 45-50. The *Miyachi* reference also states, “if the process is to continue, the processor 230 analyzes the status information database (step 455) and determines if any of the trigger conditions have been met (step 460).” Col. 10, lines 54-57. In short, *Miyachi* teaches a Host analyzing its own status information database to determine if any trigger conditions have been met. Overall, in *Miyachi* the Host requests an update of status information from the MFP, stores that information into its status information database, and then periodically checks its status information database to determine if a trigger has been met.

Thus, *Miyachi* teaches selecting trigger conditions to be reported to a technician from information stored in the Host's database. To the extent that the Host receives a request specifying a query, the resulting querying performed by the Host is of the Host's database and not of the system (i.e., not of the MFP). Thus, even if the selecting trigger conditions in *Miyachi* constitutes a query, that query is merely of the Host's database and not of the "system."

Further, to the extent that a trigger condition is selected in *Miyachi*, the Host's status information database is analyzed for such trigger condition, rather than the MFP being queried as specified by a received request. Notice that *Miyachi* teaches that, irrespective of a selected trigger condition (or any other received request), an MFP collects certain status information. See Col. 10, lines 25-28, which recites, "After the program is started (step 510), the processor 235 determines a condition of plural predetermined operating aspects of the MFP 110a (step 520)." (Emphasis added). Then, a Host requests that collected status information and stores it to a database, and such database may be analyzed to determine whether a selected trigger condition is satisfied. Thus, the "system" (MFP) about which the collected status information relates is not queried as specified by a received request, as recited in claim 13. The key is that in *Miyachi* the MFP collects certain status information irrespective of any request that may be received, and the Host simply receives whatever information may be placed in the MFP database irrespective of any request. In other words, whatever information is gathered from the system in *Miyachi* is gathered without regard to any request, including without regard to any trigger condition set by the user.

As an illustration of the constraints of the *Miyachi* system, an analysis of the Host's database (e.g., to determine whether a trigger condition is satisfied) is necessarily limited to the information collected by the Host from the exclusive list of data supplied by the MFP. Thus, a *Miyachi* user is not able to submit a request specifying a query of the system (MFP), but can instead only select from an exclusive list of trigger conditions for information stored in the Host's database. If, for example, the user desires to be notified about a condition of a system attribute that is not reported by the MFP, the system of *Miyachi* does not permit the user to select a trigger condition for such an attribute (as it is not included in the Host's database). In other words, the MFP is not queried for status information as specified by a received request.

Thus Applicant respectfully asserts that *Miyachi* does not teach computer executable software code for querying said system as specified by said request.

Claim 18 recites in part “computer executable software code for receiving from a client application program a request to notify said client application program of a condition of an attribute of a system” (emphasis added). Applicants respectfully submit that *Miyachi* fails to teach or suggest at least the above element of independent claim 18. That is, *Miyachi* does not teach receiving from a client application program a request to notify said client application program of a condition of an attribute of a system. In *Miyachi*, a technician selects a number of status conditions of which to be notified, and the technician inputs these conditions into a program running on the Host’s processor. See Col. 9, lines 34-45. The technician may then request a notification method, which may include sending a notification to a remote monitoring computer or a storage medium. See Col. 9, lines 48-54. *Miyachi* does not teach receiving from a client application program a request to notify said program of a condition. The only request received in *Miyachi* is from a technician, rather than from a client application program. Further, any request received in *Miyachi* is to notify a technician, not a client application program. Accordingly, *Miyachi* does not teach receiving from a client application program a request to notify said client application program of a condition of an attribute of a system.

Based on the arguments stated above, *Miyachi* does not teach each and every element of independent claims 1, 13, and 18. Therefore, independent claims 1, 13, and 18 are not obvious over *Miyachi*.

In view of the above, Applicants submit that independent claims 1, 13, and 18 are allowable over the applied *Miyachi* reference. Further, dependent claims 2, 3, 8-10, 16, and 17 each depend either directly or indirectly from one of independent claims 1 and 13 and thus inherit all of the limitations of their respective independent claims. It is respectfully submitted that dependent claims 2, 3, 8-10, 16, and 17 are allowable not only because of their dependencies from their respective independent claims 1 and 13 for the reasons discussed above, but also in view of their novel claim features which narrow the scope of the particular claims and compel a broader interpretation of the independent claims from which they depend. Further, claim 4 has been amended to be in independent form, and not every element of claim 4 is taught or suggested by the cited reference. As explained above in Applicant’s

Record of Interview with the Examiner, claim 4 has been amended in accordance with the indication of the Examiner that such amendment would make claim 4 allowable over the cited art.

2. Rejections under 35 U.S.C. § 103(a) over Miyachi in view of Onaga

Claims 5 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *Onaga* (U.S. patent number 6,266,693). Such claims 5, and 11 depend from independent claim 1 and therefore inherit all of its limitations. As discussed above, *Miyachi* does not teach or suggest every element of independent claim 1. Further, the Examiner does not rely on *Onaga* to cure the deficiencies discussed above regarding claim 1, and as such, claims 5 and 11 are patentable over the cited art.

3. Rejections under 35 U.S.C. § 103(a) over Miyachi in view of SQL User's Guide

Claims 6-7, 14, and 20-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *SQL User's Guide*. Such claims 14 and 20-22 each depend from one of independent claims 13 and 18 and therefore each inherits all of the limitations of its respective independent claim. As discussed above, *Miyachi* does not teach or suggest every element of independent claims 13 and 18. Further, the Examiner does not rely on *SQL User's Guide* to cure the deficiencies discussed above regarding claims 13 and 18 and as such, claims 14 and 20-22 are patentable over the cited art.

Further, claim 6 has been canceled, and claim 7 has been amended to be in independent form, and not every element of claim 7 is taught or suggested by the cited references. Claim 7 has been amended to include such elements as were indicated by the Examiner to make claim 7 allowable over the cited art. Such indication by the Examiner is explained above in Applicant's Record of Interview with the Examiner.

4. Rejection under 35 U.S.C. § 103(a) over Miyachi in view of Onaga and SQL User's Guide

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *Onaga* and further in view of *SQL User's Guide*. Such claim 12 depends from independent claim 1, and therefore inherits all of the limitations of its independent claim. As discussed above, *Miyachi* does not teach or suggest every element of independent claim 1. Further, the Examiner does not rely on *Onaga* and *SQL User's Guide* to cure the deficiencies discussed above regarding claim 1, and as such, claim 12 is patentable over the prior art.

IV. Conclusion


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No.08-2025, under Order No. 10990763-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 256034399US in an envelope addressed to: M/S AF Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: Dec. 17, 2003

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